

## LAWYERS' DIARY....February 19.

CALENDAR OF THE SUPERIOR COURT, THIS DAY—13, 29, 28, 31, 74, 75, 76, 80, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 104, 105, 116, 116, 116, 116, 120, 121.

## CALENDAR OF THE CIRCUIT COURT, THIS DAY—29, 44, 57, 70, 202, 250, 304, 305, 306, 307, 308, 311 to 317, 319, 320.

## CITY INTELLIGENCE.

Reported for The New-York Tribune.

## COURT OF SESSIONS.

Before the Recorder, Judges Lynch and Noah, and Aldermen Ball and Pollock.

FRIDAY, February 18.

The following sentences were pronounced by the Court:

Bradley Bane, old offender, convicted by confession of injury in the 2d degree, was sentenced to the State Prison for 3 years and 1 month.

James Wilson, convicted of burglary in the third degree, was sentenced to the State Prison for 2 years.

## Trial for False Pretence.

[Continued.]

At the opening of the Court, J. P. Hall, Esq., offered in evidence a statement of the affairs of Amory & Leeds from the commencement of their business to the date of their failure, covering a term of about three years, in which was an account of the different amounts drawn out during that time by both Amory and Leeds, and also a sum paid to Mr. Watson, the retiring partner. The papers purport to show that Mr. Amory had drawn from the concern during that period \$57,000, Mr. Leeds \$12,000, and the sums of \$6,000 each were paid to Mr. Watson, who retired from the firm on the 1st January, 1840; and this, he stated, on an original capital of \$29,000.

The paper proposed to put this statement before the Court and Jury, in evidence was opposed by the defendants' counsel, or the ground, not only that it was irrelevant, but that it would open a wider field of inquiry than was contemplated in the indictment—let him, the Court and Jury several days to show how the money drawn out had been appropriated—how a farm had been purchased—a mortgage cast for property bought—money expended in purposes of speculation or for pocket money, &c.—and that there would be no end to the trial of this case, and although they were prepared to explain every thing, and show conclusively the innocence of the defendants of all intent or intent to commit a fraud upon their creditors, or to do any thing wrong. Yet he deemed the testimony entirely irrelevant and illegal.

The right to introduce the paper in evidence was still further contended for by Messrs. Hall and Whiting, and opposed by Mr. Griffin.

The Court ruled out the testimony of the statement collectively as irrelevant to the charge contained in the indictment, but would admit testimony as to isolated facts of unproved fraudulent disposition of property by the defendants.

William C. Haggerty, recalled by Mr. Hall—It is discovered after the indictment, that goods had been pledged to Adeo, Timson & Co., a few days since I discovered that goods had been sent to Mr. Foster—also a few days since he discharged. Jacob Jackson, colored, assault and battery on William Hargrave, watchman, and also on a German named Christian Heindel; guilty of both, and sent to the Penitentiary 3 months. On the 1st of January, 1840, he was sent to the State of New-York, where he was also indicted and remained suspended on his contract of going to New-York. Penitentiary 6 months. Samuel Melville, assault and battery on John W. Hayes, and the late Dr. Jonathan H. Hale, and Peter Gordon, Penitentiary 3 months. Jonathan Hale and Peter Gordon, assault and battery on James Pirson by throwing a stone at him which caused a bad wound on his head. Penitentiary 3 months.

The Court then adjourned to Tuesday next.

to the Messrs. Haggerty, which I did. He directed me expressly to put in the statement of the 11 cases of cloths contained in the Front-street public store, and the payment of the proceeds of the insurance to the owners thereof.

## CIVIL COURTS.

FRIDAY, February 18.

In the Circuit Court, an action was brought by Joseph Prince of Boston, against the Sheriff of New-York, for a false return on property seized on execution at the store of Brown & Young, 200 Pearl-street. The goods were bonded, but made way with, and the security failed, when the deputy made a return of nulla bona, for which the present action is brought. It was contended that the plaintiff had interfered in the matter during the pendency of the writ, which would be fatal if proved. The jury could not agree, and were discharged.

In the Superior Court, an action was brought by Gilbert Garret and others, heirs at law of Margaret Garret, against Caleb Kirby, to test the right of ownership in property No. 21 Mulberry-street. Magnus died in 1834, and the lot had a good dwelling house on it, but it was burnt down in 1835, since which time it has not been rebuilt, owing to litigation among the heirs. There is now a carpenter's shop on it, and for the plaintiff, subject to the opinion of the Court.

In the same court, Frederick J. Conant sued Robert P. Bell of Stamford, N. J., as endorser on a note of \$2,500 given by George W. Tyson, in 1837, for a bill of clothing, but which endorsement the defendant declares to be a forgery. The case was still on when the Court adjourned.

In the same court, also, Hiriam L. Meeker brought an action against Thomas Bell, for attempting to run down his slaves, and otherwise interfering with them while he was endeavoring to raise the slave William Rose, last year, which laid with a valuable cargo at Hartgate. The damages are laid at \$5,000. The defendant claims to have taken the contract for raising the Wm. Rose, but was driven off by a man named Porter, from whom the plaintiff assumes to have obtained his authority. This case was also adjourned till Saturday.

In the Marine Court, a man named William Bonell brought an action against the Captain and chief Mate of the ship Henry Clay, on board of which vessel he was shipped at New-Orleans in June last, to go on a voyage to California, to Cowes and a market. He was placed to the service of the mast, and most cruelly used. The damages are laid at \$2,000. The plaintiff is now confined to his bed on account of the injuries he received. The case was still on first evening at 11 o'clock, and a verdict will probably be rendered this forenoon.

## SPECIAL SESSIONS.

Before Judge Noah and Aldermen Pollock and Ballis.

FRIDAY, February 18.

Henry Hill, colored boy, was tried for stealing a shovelful of Mrs. Laura Lambert's guinea. Sent to the House of Representatives Committee on Slavery, and referred to the Select Committee on Slavery, and the Committee on the Slave-trade, where he was found guilty. Judgment suspended, and he discharged. Jacob Jackson, colored, assault and battery on William Hargrave, watchman, and also on a German named Christian Heindel; guilty of both, and sent to the Penitentiary 3 months. On the 1st of January, 1840, he was sent to the State of New-York, where he was also indicted and remained suspended on his contract of going to New-York. Penitentiary 6 months. Samuel Melville, assault and battery on John W. Hayes, and the late Dr. Jonathan H. Hale, and Peter Gordon, Penitentiary 3 months. Jonathan Hale and Peter Gordon, assault and battery on James Pirson by throwing a stone at him which caused a bad wound on his head. Penitentiary 3 months.

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## POLICE OFFICE.

FRIDAY, February 18.

AUGREST OF A RUGGMASTER.—A man, John, son of and consigned, by John McCall, was arrested yesterday by officers of the police, and charged with having taken a sum of \$100, and \$200, for storage, and which were afterwards delivered to Mr. McCall by order of Francis Morley, the owner of the premises, and understood.

Mr. Haight recalled—I was one of the Committee appointed to examine the books and accounts of Amory & Leeds. The statement we made out was shown to defendant, and we gave them three or four of them. It was printed, as I suppose, by order of defendants.

The counsel for the prosecution offered to prove the insolvency of the defendants at the time of making the pledge of goods to complainants, and also to prove the sums severally taken from the firm by Mr. Amory and Mr. Leeds, for private purposes and use—but the Court ruled the testimony inadmissible as being irrelevant.

The counsel for the prosecution then rested the case on the part of the people.

The case on the part of the defense was then opened by Mr. O'Connor, who detailed with great eloquence and force the facts and circumstances of the case as calculated to exculpate the charge, when he produced entirely innocent of his charge in the indictment. He reviewed the history of the defendants' business, the suspicious circumstances under which they commenced in 1837 as the successors of Messrs. Brown, Brothers & Co., in an extensive and valuable foreign agency—the sale by them of some \$2,000,000 worth—the large amount sold for them by complainants—the price of sales and on advances of promissory notes of import, amounting to nearly \$10,000—and the little apparent risk the complainants ran in advancing notes on the hand of the use of their credit to the defendants. He spoke of the particular charge in the indictment, that the defendants had been guilty of a conspiracy to defraud the public—

DEATH BY WANT AND EXPOSURE.—The Coroner also held an inquest at the house of Mr. Hodderling, 21 Bowery, on the body of Mr. Edward E. Smith, a colored boy, aged 16 years, who died about 18 months ago. The deceased, who was a homeopathic doctor, had recently employed himself and obtained a small sum of money for papers and periodicals, and obtained a quantity of opium, which he sold for medicine, whereupon he left his practice for sale, for a sum of \$100, and \$200, and was soon after taken ill, and died.

As far as can be learned, he had no bed-clothes, and scarcely any wood to eat. On Thursday forenoon he had only a small piece of bread, and was lying low, and was unable to get up. The last night he was seen walking about the street, and the deceased was found dead in the neck of Dunn, the one completely dividing the lungs, and other cutting partly through the trachea. Every exertion was used to save the life of Dunn, but he died about two hours after the infliction of the blow, and the doctor, who he conjectured smote him with his thumb, was buried at the Polk-O'Brien. McCall was committed to answer.

STEALING A DRESS.—A man named Bandi Cammodity was today arrested for stealing a calico frock from the premises of Paul Gindin, No. 36 Pelham-street, on the 17th inst., and was committed to prison.

## CORONER'S OFFICE.

FRIDAY, February 18.

SUICIDE.—The Coroner today held an inquest at the house of Mr. John Kyte, No. 225 Spring-street, on the body of a colored boy, John, son of and consigned, by John McCall, who died on the 31st December last, was arrested and committed on a charge of having pilfered the pocket of a Miss Mills of \$500 given her by Mr. McCall. The Coroner, who was engaged by the Judge, Lynch, upon his habeas corpus, sent up before him, and on being called on for trial, he denied to appear, his recognition was forfeited, and he had to be witness. The Grand Jury were then summoned to consider the facts, and the indictment was returned, and the trial was suspended on the 1st of January, 1840.

Mr. Haight recalled—I was one of the Committee appointed to examine the books and accounts of Amory & Leeds. The statement we made out was shown to defendant, and we gave them three or four of them. It was printed,

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The counsel concluded by expressing a hope that the real of that anentee would not be permitted to wave in triumph over the prostrate ruins of these defendants.

Sam'l E. Stow, called for the defense and sworn, deposed as follows: I am in the employ of Richardson & Watson as salesman. I was in the employ of defendants as salesman during 1839 to the time of their failure in 1840. Their proper place of business was in 63 and part of 61 Pine-street. After the dissolution of Amory, Leeds & Co. in January, 1840, I was principal salesman, before Mr. Watson was principal salesman, and I acted under him. The invoice of \$100,000 is my hand writing. Mr. Leeds, in presence of Mr. Amory, directed me to make it out. He did not give me any materials to assist in making it out. He directed me to make an invoice of cloths and threads for about \$100,000, I made out one of cloths and threads not quite to that amount, and added others to make it out. I took a book, called the receiving-book, and took the goods from the store 63 Pine-street. I made up the whole of the invoice before I returned it to Mr. Leeds, and intended to conform to the direction of the defendants, and handed it to Mr. Leeds—

intended to conform to the direction of the defendants, and believed I took the goods from the receiving-book, but may have taken them from the sales-book. When I took the invoice of goods to Mr. Leeds I supposed I had literally obeyed his directions. I did not know that any of the goods were in the store in New-street, the breaking open of the store by complainants under advice of counsel of the latter, I did not take them from the Pine-street store, and I do not know that any of the goods in the store were not in the Pine-street store. From my knowledge of the departments of business which Mr. Leeds or Mr. Amory attended to, and the little concern they took in that part of the business, I do not know that either of them could know that any of the goods in the invoice were in the Custom House store without asking Mr. Hurler or the Custom House clerk. Mr. Van Brunt, Mr. Leeds, on looking at the invoice saw some of the goods mentioned there were in the store in William-street, and I also noted it. There were \$300,000 or \$400,000 worth of goods in the defendants' store in Pine-street. Each of the lots were half or two-thirds full of goods. Mr. Amory attended to the financing, insurance and out-door business generally. Of the invoices goods sent to Messrs. Atkin, Timson & Co. in January and February, 1840, Mr. Hurler selected the cloths, myself the remainder. Mr. Van Brunt kept the receiving and delivery books. I remember a lot of goods being sent to New-street under direction of Mr. Amory, I making the selection. The first were sent to New-street on the 22d of January, a small proportion, however. The transmission of goods to the New-street store terminated on the 28th of May, 1840. The amount was \$84,429.75. Mr. Ogden Haggerty was in defendants' store immediately after their failure several times, as was William C. Haggerty. The goods were taken from the Pine-street store on the 17th of June, 1840. Mr. Leeds, who had left on the 12th of March for England, did not return until sometime in August. Mr. Amory instructed me in all cases after the failure to send the goods to him, and the information they required concerning their affairs. I endeavored so to answer them at all times. There was no book, to my knowledge, previous to the failure designating what goods were made up in the store. The memorandum of missing goods was made up by me, at the request of Mr. Amory, to hand

## THESE HARD TIMES.

A Sermon from Eccles. vi. 10—by Rev. Jas. A. Bolles, eloquent and appropriate. 3. DUMAS' TRAVELLING SKETCHES, embracing "The Col de Balme" and "Jacques Balsam's First Ascent of Mont Blanc." Very interesting. 4. ENGLAND AND CHINA; the English version of the Origin and History of the War. 5. Two Poetic Articles.

EDITORIAL.—1. INTERNATIONAL COPYRIGHT QUESTION. 2. THE BOB STALL. 3. PEPLIT SKETCHES—Orville Dewey and Henry W. Bellows. 4. CHARLES DICKENS. 5. HENRY A. WISE. 6. THE MAMMOTH. 7. WASHINGTON IRVING—and several other articles. Also several columns of Literary Notices.

SELECTED ARTICLES.—1. HAUNTED HOUSES—from Mackay's History of Popular Delusions—First American Edition. 2. AMERICAN SCULPTORS—in Italy. By Hon. Edward Everett, embracing a notice of Powell, the unrivaled Sculptor. 3. ANCIENT TEMPLE, with an elegant Engraving. 4. MAY AND DECEMBER.—MEDICINES—Dr. David Sands & Co., Apothecaries and Chemists, 77 East Broadway, corner of Market-street. 5. Two Poetic Articles.

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